IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

C.R. No.1718 of 2007
Date of decision: March 29,2007

Madan Bassi V. Municipal Corporation and another

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Bhuwan Luthra,Advocate, for the petitioner.

Viney Mittal,J.(Oral)

Plaintiff is the petitioner before this court. He is aggrieved against the order dated November 28,2006 passed by the trial court whereby the evidence of the plaintiff has been ordered to be closed.

After hearing the learned counsel for the plaintiff-petitioner and taking into consideration the facts and circumstances of the case, although I find that the plaintiff has been rather negligent in not producing the evidence on various dates fixed by the trial court but keeping in view the interest of justice I find that one last opportunity needs to be granted to him to produce his evidence.

Consequently, the present petition is allowed and the order dated November 28,2006 is set aside subject to payment of Rs.5,000/- as costs. The costs would be condition precedent for permitting the plaintiff to produce his further evidence.

The trial court shall fix one date. On the aforesaid date the plaintiff shall pay the costs and shall also produce his entire evidence at his own responsibility and without the assistance of the court. It is made clear that if on the date fixed by the trial court, the plaintiff fails to pay the costs or fails to conclude his entire evidence, then no further opportunity shall be granted to him and in such a

situation the present petition shall be deemed to have been dismissed.

A copy of the order be given dasti on usual charges.

March 29,2007 (Viney Mittal)
sks Judge